

# HOUSE BILL No. 1148

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21; IC 9-24-6-6.

**Synopsis:** Yield to on-track equipment. Requires the driver of a vehicle to stop at a railroad crossing upon the approach of on-track equipment. (The introduced version of this bill was prepared by the rail corridor safety committee.)

**Effective:** July 1, 2010.

**Tyler**

January 7, 2010, read first time and referred to Committee on Interstate and International Cooperation.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## HOUSE BILL No. 1148

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-21-8-39 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 39. Whenever a person  
3       who drives a vehicle approaches a railroad grade crossing, the person  
4       shall stop within fifty (50) feet but not less than fifteen (15) feet from  
5       the nearest track of the railroad and may not proceed until the person  
6       can do so safely under the following circumstances:

7               (1) When a clearly visible electric or mechanical signal device  
8               gives warning of the immediate approach of a train **or other**  
9               **on-track equipment**.

10              (2) When a crossing gate is lowered or when a human flagman  
11              gives or continues to give a signal of the approach or passage of  
12              a train **or other on-track equipment**.

13              (3) When a railroad train **or other on-track equipment**  
14              approaching within one thousand five hundred (1,500) feet of a  
15              highway crossing emits an audible signal and because of speed or  
16              nearness to the crossing is an immediate hazard.

17              (4) When an approaching train **or other on-track equipment** is



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plainly visible and is in hazardous proximity to the crossing.

SECTION 2. IC 9-21-8-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 40. (a) A person may not operate or move a caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure weighing more than ten (10) tons and having a normal operating speed of not more than six (6) miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across tracks at a railroad grade crossing without first complying with this section.

(b) Notice of an intended crossing under this section shall be given to a superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(c) Before making a crossing under this section, the person operating or moving a vehicle or equipment described in subsection (a) shall first stop the vehicle or equipment not less than ten (10) feet and not more than fifty (50) feet from the nearest rail or the railway. While stopped, the person shall listen and look in both directions along the track for an approaching train **or other on-track equipment** and for signals indicating the approach of a train **or other on-track equipment**. The person shall not proceed until the crossing can be made safely.

(d) A crossing may not be made when warning is given by automatic signal, crossing gates, a flagman, or otherwise of the immediate approach of a railroad train or ~~car~~ **other on-track equipment**.

SECTION 3. IC 9-21-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section does not apply to the following:

(1) A street railway grade crossing within a business or residence district.

(2) Abandoned or unused railroad grade crossings that are:

(A) designated by the Indiana department of transportation under IC 8-6-15-2; and

(B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

(1) a motor vehicle carrying passengers for hire;

(2) a school or private bus that is carrying passengers; or

(3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the

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1 nearest rail of the railroad.

2 (c) While stopped in accordance with subsection (b), the person  
3 shall do the following:

4 (1) Listen through an open window or door.

5 (2) Look in both directions along the track for an approaching  
6 train **or other on-track equipment** and for signals indicating the  
7 approach of a train **or other on-track equipment**.

8 (3) Not proceed until the person can proceed safely.

9 After stopping, the person shall cross only in a gear of the vehicle so  
10 there will be no necessity for changing gears while traversing the  
11 crossing. The person who drives the vehicle may not shift gears while  
12 crossing the track or tracks.

13 (d) If a police officer or traffic control signal directs traffic to  
14 proceed at a railroad crossing, the person who drives a vehicle subject  
15 to this section shall proceed in accordance with the instructions of the  
16 police officer or traffic control signal.

17 SECTION 4. IC 9-21-12-17, AS AMENDED BY P.L.145-2009,  
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2010]: Sec. 17. (a) Except as provided in subsection (b),  
20 before crossing any railroad track at grade, the driver of a school bus  
21 or special purpose bus shall stop the bus within fifty (50) feet but not  
22 less than fifteen (15) feet from the nearest rail. While the bus is  
23 stopped, the driver shall:

24 (1) listen through an open door;

25 (2) look in both directions along the track for an approaching train  
26 **or other on-track equipment**; and

27 (3) look for signals indicating the approach of a train **or other**  
28 **on-track equipment**.

29 The driver may not proceed until it is safe to proceed. When it is safe  
30 to proceed, the driver shall select a gear that will allow the driver to  
31 cross the tracks without changing gears. The driver may not shift gears  
32 while crossing the tracks.

33 (b) The driver is not required to stop when a police officer is  
34 directing the flow of traffic across railroad tracks.

35 (c) Upon conviction of a violation of this section, a driver shall have  
36 the driver's operator's license suspended for a period of not less than  
37 sixty (60) days in addition to the penalties provided by section 11 of  
38 this chapter.

39 SECTION 5. IC 9-24-6-6, AS AMENDED BY P.L.1-2005,  
40 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The following, if committed  
42 while driving a commercial motor vehicle, are serious traffic violations:

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(1) Operating a vehicle at least fifteen (15) miles per hour above the posted speed limit in violation of IC 9-21-5, IC 9-21-6, or IC 9-21-5-14.

(2) Operating a vehicle recklessly as provided in IC 9-21-8-50 and IC 9-21-8-52.

(3) Improper or erratic traffic lane changes in violation of IC 9-21-8-2 through IC 9-21-8-13 and IC 9-21-8-17 through IC 9-21-8-18.

(4) Following a vehicle too closely in violation of IC 9-21-8-14 through IC 9-21-8-16.

(5) In connection with a fatal accident, violating any statute, ordinance, or rule concerning motor vehicle traffic control other than parking statutes, ordinances, or rules.

(6) Operating a vehicle while disqualified under this chapter.

(7) For drivers who are not required to always stop at a railroad crossing, failing to do any of the following:

(A) Slow down and determine that the railroad tracks are clear of an approaching train **or other on-track equipment**, in violation of IC 9-21-5-4, IC 9-21-8-39, IC 35-42-2-4, or any similar statute.

(B) Stop before reaching the railroad crossing, if the railroad tracks are not clear of an approaching train **or other on-track equipment**, in violation of IC 9-21-4-16, IC 9-21-8-39, or any similar statute.

(8) For all drivers, whether or not they are required to always stop at a railroad crossing, to do any of the following:

(A) Stopping in a railroad crossing, in violation of IC 9-21-8-50 or any similar statute.

(B) Failing to obey a traffic control device or failing to obey the directions of a law enforcement officer at a railroad crossing, in violation of IC 9-21-8-1 or any similar statute.

(C) Stopping in a railroad crossing because of insufficient undercarriage clearance, in violation of IC 35-42-2-4, IC 9-21-8-50, or any similar statute.

(b) Subsection (a)(1) and (a)(8) is intended to comply with the provisions of 49 U.S.C. 31311(a)(10) and regulations adopted under that statute.

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